

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

§
§
§
§
§
§
§
§

v.

Case No. 4:20-CR-00358-ALM

**NEERAJ JINDAL (1)
JOHN RODGERS (2)**

**DEFENDANT NEERAJ JINDAL'S RESPONSE IN PARTIAL OPPOSITION TO
UNITED STATES' MOTION TO CONTINUE AND ALIGN DEADLINES AND SET A
BRIEFING SCHEDULE FOR MOTIONS TO DISMISS**

I. INTRODUCTION

On April 15, 2021, the government filed a First Superseding Indictment, adding John Rodgers as a defendant. [DKT. 21]. On May 12, 2021, the government filed its Motion to Continue and Align Deadlines and Set a Briefing Schedule for Motions to Dismiss (the “Motion”). [DKT. 33]. In the Motion, the government requests that the Court continue John Rodgers’ pretrial deadlines to align with the existing pretrial deadlines for Jindal. Jindal is not opposed to the requested alignment.

In the Motion, the government also requests that the Court enter a briefing schedule for anticipated motions to dismiss. Specifically, the government requests that the Court impose a June 18, 2021 deadline for motions to dismiss and opening briefs. Motion at pg. 6. Because Jindal filed his Motion to Dismiss Count One of the First Superseding Indictment (the “Motion to Dismiss”) on May 25, 2021,¹ the government’s request for a briefing schedule is moot as to

¹ Jindal initially filed the Motion to Dismiss on May 24, 2021, but incorrectly linked the document to both Defendants in the electronic filing system. [DKT. 35]. Jindal refiled the Motion to Dismiss on May 25, 2021 to remedy the incorrect linking.

Jindal. [DKT. 36]. Jindal takes no position with respect to the fairness of applying the briefing schedule to John Rodgers.

II. ARGUMENT

A. Continuance of John Rodgers' Pretrial Deadlines to Align Both Defendants' Schedules in this Case.

Jindal does not oppose the government's request to align John Rodgers' final pretrial conference date and associated pretrial deadlines with the current deadlines for Jindal.

B. A Briefing Schedule for Neeraj Jindal's Motion to Dismiss is Unnecessary.

Jindal filed his Motion to Dismiss on May 25, 2021. Thus, the government's request that the Court set a June 18, 2021 deadline for the filing of motions to dismiss is moot as to Jindal. There is no reason for a briefing schedule to ensure timely filing of a motion to dismiss, when the motion that is subject to the proposed briefing schedule has been filed well in advance of the government's proposed deadline.

To the extent the government still desires a briefing schedule for the Motion to Dismiss, Jindal would be unopposed to a schedule providing the government twenty-eight (28) days to file its response brief.² Therefore, Jindal is unopposed to June 22, 2021 deadline for the government to file any response brief. If the Court chooses to give the government twenty-eight (28) days to respond, Jindal respectfully requests fourteen (14) days to file any reply brief.

III. CONCLUSION

WHEREFORE, Defendant Neeraj Jindal respectfully requests that the Court deny the government's Motion to Set a Briefing Schedule for Motions to Dismiss.

² In the Motion, the government stated that it expects to need twenty-eight (28) days to file a response brief. Motion at pg. 5.

Dated: May 26, 2021

Respectfully submitted,

By:/s/ Paul E. Coggins

Paul E. Coggins

Attorney-in-Charge

Texas Bar No. 04504700

pcoggins@lockelord.com

Brendan P. Gaffney

Texas Bar No. 24074239

bgaffney@lockelord.com

LOCKE LORD LLP

2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-6776

(214) 740-8000 (Telephone)

(214) 740-8800 (Facsimile)

ATTORNEYS FOR NEERAJ JINDAL

CERTIFICATE OF SERVICE

By my signature below, I do hereby certify that on May 26, 2021, a true and correct copy of the foregoing Response was filed using the Court's electronic filing system, which will provide notice to all parties of record.

By: /s/ Paul E. Coggins

Paul E. Coggins